

#33

PATENT

Docket No.: 19603/10215 (CRF D-1156D)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : Michael E. O'Donnell

Examiner:

R. Hulson

Serial No. : 08/828,323

Art Unit:

1652

Confir. No. : 4760

Filed : March 28, 1997

For : DNA POLYMERASE III HOLOENZYME

FAX RECEIVED

JUN 25 2002

PETITIONS OFFICE

PETITION TO WITHDRAW APPLICATION
FROM ISSUE UNDER 37 CFR § 1.313(c)Commissioner for Patents
Washington, D.C. 20231
ATTN: OFFICE OF PETITIONS

Dear Sir:

Pursuant to 37 CFR § 1.313(c), applicants hereby petition to withdraw the above-identified application from issue.

On December 31, 2001, a Notice of Allowance and Issue Fee Due statement was mailed to applicants. The Issue Fee was paid on March 28, 2002. Applicants have since decided to file Request for Continued Examination Under 37 C.F.R. § 1.114 (filed herewith) in order to have the U.S. Patent and Trademark Office ("PTO") consider the paper entitled "Information Disclosure Statement Under 37 C.F.R. §§ 1.97-1.98" ("Information Disclosure Statement") which is filed along with that Request for Continued Examination. In particular, in reviewing the file history for the above-identified patent application, applicants believe that the references cited in the attached Information Disclosure Statement have been considered by the PTO. More specifically, these references were cited to or by the PTO in the parent application (U.S. Patent Application Serial No. 08/279,058, now U.S. Patent No. 5,668,004) and in the related PCT Application No. PCT/US93/00627, filed January 22, 1993 of the above-identified patent application. However, it is not entirely clear from the file

history for the above-identified application which references were considered, as the PTO-

06/26/2002 ARELLEY 00000004 19138 08/28/23

01 FC:122

130.00 CH

R597249.1

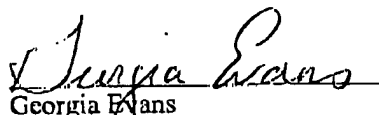
- 2 -

892 form listing the references considered has been lost from the file. Therefore, out of an abundance of caution, applicants have filed the attached Request for Continued Examination and Information Disclosure Statement. To have this information considered, applicants hereby petition, in accordance with 37 C.F.R. § 1.313(c)(2), for the above-identified application to be withdrawn from issue so that it can be abandoned and so that the information disclosure statement can be considered in the Request for Continued Examination.

Pursuant to 37 C.F.R. § 1.17(h), the Commissioner is hereby authorized to charge the petition fee of \$130.00 and any additional fees which may be required to Deposit Account No. 14-1138.

Respectfully submitted,

Date: June 25, 2002


Georgia Evans
Registration No. 44,597

NIXON PEABODY LLP
Clinton Square, P.O. Box 31051
Rochester, New York 14603
Telephone: (585) 263-1672
Facsimile: (585) 263-1600

PATENT
Docket No.: 19603/10215 (CRF D-1156D)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Michael E. O'Donnell)	Examiner:
)	R. Hutson
Serial No.	:	08/828,323)	
)	Art Unit:
Cnfrm. No.	:	4760)	1652
)	
Filed:	:	March 28, 1997)	
)	
For	:	DNA POLYMERASE III HOLOENZYME)	

FAX RECEIVED

JUN 25 2002

PETITIONS OFFICE

CERTIFICATE OF FACSIMILE TRANSMISSION

Commissioner for Patents
Washington, D.C. 20231
ATTN: OFFICE OF PETITIONS

Dear Sir:

I hereby certify that this Request for Continued Examination Under 37 CFR § 1.114 (in duplicate) is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date:

June 25, 2002

Georgia Evans
Georgia Evans
Registration No. 44,597

NIXON PEABODY LLP
Clinton Square, P. O. Box 31051
Rochester, New York 14603
Telephone: (716) 263-1672
Facsimile: (716) 263-1600

PATENT

Docket No.: 19603/10215 (CRF D-1156D)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	:	Michael E. O'Donnell)	Examiner:
)	R. Hutson
Serial No.	:	08/828,323)	
)	Art Unit:
Cnfrm. No.	:	4760)	1652
)	
Filed:	:	March 28, 1997)	
)	
For	:	DNA POLYMERASE III HOLOENZYME)	

CERTIFICATE OF FACSIMILE TRANSMISSION

Commissioner for Patents
Washington, D.C. 20231
ATTN: OFFICE OF PETITIONS

FAX RECEIVED

JUN 25 2002

PETITIONS OFFICE

Dear Sir:

I hereby certify that this Petition to Withdraw Application From Issue Under 37 CFR § 1.313(c) is being facsimile transmitted to the Patent and Trademark Office on the date shown below.

Date: June 25, 2002

Georgia Evans
Georgia Evans
Registration No. 44,597

NIXON PEABODY LLP
Clinton Square, P. O. Box 31051
Rochester, New York 14603
Telephone: (716) 263-1672
Facsimile: (716) 263-1600

Nixon Peabody LLP

Attorneys at Law

1600 Main Place Tower
Buffalo, New York 14202-3716
(716) 853-8100

Fax: (716) 853-8109

PRIVILEGE AND CONFIDENTIALITY NOTICE

The information in this fax is intended for the named recipients only. It contains privileged and confidential matter. If you have received this fax in error, please notify us immediately by a collect telephone call to (716) 853-8100 and return the original to the sender by mail. We will reimburse you for postage. Do not disclose the contents to anyone. Thank you.

FAX

To:	Company	Fax #:	Telephone #:
1) Office of Petitions	U.S. Patent & Trademark Office	(703) 308-6916	
2)			
3)			
4)			
5)			

INTERNATIONAL PHONE NUMBERS MUST INCLUDE COUNTRY & CITY CODE. SEE LOCAL WHITE PAGES FOR CODES NEEDED.

From: Georgia Evans	Date: June 25, 2002	No. of Pages: 18 (including this page)	
---------------------	---------------------	---	--

Comments:**URGENT - PLEASE DELIVER IMMEDIATELY.**☐ First Class Mail☐ Overnight Mail

Original of the transmitted document will be sent by:

☐ Hand Delivery☐ This transmission will be the only form of delivery of this document

IF YOU DO NOT RECEIVE ALL OF THESE PAGES, PLEASE CONTACT THE FAX OPERATOR AS SOON AS POSSIBLE AT: (716) 853-8100. THANK YOU.

CONFIRMATION: DATE SENT _____ TIME _____ BY _____

FAX RECEIVED**JUN 25 2002****PETITIONS OFFICE**